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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY, UT 84111

EXAMINER

VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,062	Applicant(s) PRATT ET AL.	
	Examiner Lester L. Vanterpool	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 and 26-31 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-21 & 26-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 32-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 3 – 21 & 26 – 31 are, drawn to the load bearing apparatus, classified in class 224, subclass 266.
 - II. Claims 32 – 34 are, drawn to the method for distributing weight of the load over a user to facilitate manual transport of the load, classified in class 206, subclass unknown.
2. Inventions Group 1 and Group 2 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process as claimed can be practiced with another materially different product such as a shoulder and back gun holster.
3. During a telephone conversation with Kirton & McConkie Law Firm on September 15, 2006 a provisional election was made with traverse to prosecute the invention of Group 1, claims 1, 3 – 21 & 26 - 31. Affirmation of this election must be made by

Art Unit: 3727

applicant in replying to this Office action. Claims 32 – 34 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3 – 6, 15, 19, 20 & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by McCumber (U.S. Patent Number 5749010). McCumber discloses the central rib (24) (See Figure 1) to distribute the weight corresponding to the load (12) over the back of the user (14, 26 & 28) (See Figure 1); the stabilizing arm (22') coupled

Art Unit: 3727

to the central rib (24) to stabilize the load (12) with respect to the user (14, 26 & 28); and the opposing arm (22) coupled to the supporting rib (24), wherein the stabilizing arm (22') and the opposing arm (22) further comprise specific contours comprising the dorsal segment and the anterior segment, and wherein the opposing arm (22) comprises the lateral extension (See Figure 1) that extends from the anterior segment (See Figures 1 & 2).

Regarding claim 3, McCumber further discloses the central rib (24) is substantially rigid (See Figures 1 & 2).

Regarding claim 4, McCumber further discloses the opposing arm (22) substantially counterbalances the stabilizing arm (22') such that the weight corresponding to the load (12) is substantially evenly distributed over the central rib (24) (See Figure 1).

Regarding claim 5, McCumber further discloses the stabilizing arm (22') is coupled to one end of the central rib (24) (See Figure 1), and wherein the opposing arm (22) is coupled to the opposite end of the central rib (24) (See Figure 1).

Regarding claim 6, McCumber further discloses the stabilizing arm (22') and the opposing arm (22) are substantially rigid (See Figures 1 & 2).

Regarding claim 15, McCumber further discloses the load bearing apparatus (10) comprises the unitary assembly (See Column 2, lines 12 – 18) (See Figures 1, 2, 3 & 6).

Regarding claim 19, McCumber further discloses the load (12) capable of being supported by the user (14, 26 & 28); and the unitary shoulder frame assembly (See Figures 1, 2, 3 & 6) coupled to the load (12) (See Figure 2), the shoulder frame shoulder frame comprising: the central rib (24) (See Figure 1) to distribute the weight corresponding to the load (12) over the back of the user (14, 26 & 28) (See Figure 1); the stabilizing arm (22') coupled to the central rib (24) to stabilize the load (12) with respect to the user (14, 26 & 28); and the opposing arm (22) coupled to the supporting rib (24), wherein the stabilizing arm (22') and the opposing arm (22) further comprise specific contours comprising the dorsal segment and the anterior segment, and wherein the opposing arm (22) comprises the lateral extension (See Figure 1) that extends from the anterior segment (See Figures 1 & 2).

Regarding claim 20, McCumber further discloses the opposing arm (22) substantially counterbalances the stabilizing arm (22') such that the weight corresponding to the load (12) is substantially evenly distributed over the central rib (24) (See Figure 1).

Regarding claim 21, McCumber further discloses the unitary shoulder frame assembly is substantially rigid (See Figures 1, 2, 3 & 6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7, 8, 11 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCumber (U.S. Patent Number 5749010) in view of Mattox (U.S. Patent Number 6652431). McCumber discloses the invention substantially as claimed. McCumber discloses the stabilizing arm (22') and the opposing arm (22) (See Figures 1 & 2).

However, McCumber does not disclose the at least one cushioning support coupled to the underside surface of the stabilizing arm and the opposing arm.

Mattox teaches at least one cushioning (32) support coupled to the underside surface of the stabilizing arm (30) and the opposing arm (30) (See Figure 1 & 2) for the purpose of providing additional comfort.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one cushioning support coupled to the underside surface of the stabilizing arm and the opposing arm as taught by Mattox with the load bearing apparatus of McCumber in order to enhance additional comfort.

Regarding claim 8, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose at least one cushioning support coupled to the underside surface of the central rib.

Mattox teaches at least one cushioning support (34) coupled to the underside surface of the central rib (31) (See Figures 1, 2, 5 & 6) for the purpose of providing additional neck comfort and support.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one cushioning support coupled to the underside surface of the central rib as taught by Mattox with the load bearing apparatus of McCumber in order to enhance additional neck comfort and support.

Regarding claim 11, McCumber discloses attachment means coupled to at least one of the stabilizing arm (22') (See Column 3, lines 51 – 55) (See Figures 1 & 2) and the opposing arm (22) to facilitate attaching (See Figure 5) the load bearing apparatus (10) (See Figures 1 – 3).

However, McCumber does not disclose attachment means coupled to at least one of the central rib.

Mattox teaches attachment means (24) (See Figure 3) to at least one of the central rib (16) (See Figure 3) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means to at least one of the central rib as

Art Unit: 3727

taught by Mattox with the load bearing apparatus of McCumber in order to enhance multi-functional capabilities.

Regarding claim 27, McCumber discloses in invention substantially as claimed. However, McCumber does not disclose the shoulder frame assembly further comprising at least one cushioning support coupled to the underside surface thereof.

Mattox teaches the shoulder frame assembly (10) (See Figures 1 & 2) further comprises with at least one cushioning support (32 & 34) coupled to the underside surface thereof (See Figure 1 & 2) for the purpose of providing additional comfort.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the shoulder frame assembly further comprised with at least one cushioning support coupled to the underside thereof as taught by Mattox with the load bearing apparatus of McCumber in order to enhance additional comfort.

9. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCumber (U.S. Patent Number 5749010) in view of Sheppard (U.S. Patent Number 5746705). McCumber discloses the invention substantially as claimed.

However, McCumber does not disclose the stabilizing arm is adjustably coupled to the central rib.

Sheppard teaches the stabilizing arm (See Figure 3) is adjustably (10 & 13) coupled to the central rib (See Column 3, lines 12 – 24) (See Figures 1 – 3) for the purpose of accommodating various size users.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stabilizing arm adjustably coupled to the central rib as taught by Sheppard with the load bearing apparatus of McCumber in order to enhance accommodate various size users.

Regarding claim 10, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose at least one opposing arm adjustably coupled to the central rib.

Sheppard teaches at least one opposing arm (See Figure 3) is adjustably (10 & 13) coupled to the central rib (7) (See Column 3, lines 12 – 24) (See Figures 1 – 3) for the purpose of accommodating various size users.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCumber (U.S. Patent Number 5749010) in view of Godshaw et al., (U.S. Patent Publication Number 2002 / 0145027 A1). McCumber discloses the invention substantially as claimed. McCumber discloses attachment means coupled to at least one of the stabilizing arm (22') (See Column 3, lines 51 – 55) (See Figures 1 & 2) and the opposing arm (22) to facilitate attaching (See Figure 5) the load bearing apparatus (10) (See Figures 1 – 3).

However, McCumber does not disclose attachment means coupled to at least one of the central rib.

Godshaw et al., teaches attachment means (See Figures 5 & 6) to at least one of the central rib (98) (See Figures 5 & 6) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means to at least one of the central rib as taught by Godshaw et al., with the load bearing apparatus of McCumber in order to enhance multi-functional capabilities.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCumber (U.S. Patent Number 5749010) in view of Mattox (U.S. Patent Number 6652431) as applied to claim 1 above, and further in view of Knoerzer (U.S. Patent Number 966562). McCumber discloses the invention substantially as claimed.

However, McCumber as modified does not disclose the attachments means is configured to receive the support strap assembly, wherein the support strap assembly may be disposed between each of the load bearing apparatus and the load.

Knoerzer teaches the attachment means (17) is configured to receive the support strap assembly (20) (See Figure 2), wherein the support strap assembly (20) may be disposed between each of the load bearing apparatus (10) and the load (See Page 1, Column 1, lines 55 – 56 & Page 1, Column 2, lines 1 – 2) for the purpose of providing various length flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachments means configured to receive the support strap assembly, wherein the support strap assembly may be disposed between each of the load bearing apparatus and the load as taught by Sheppard with the load bearing apparatus of McCumber in order to enhance accommodate various size users.

12. Claims 13, 14, 16, 17, 18, 26, 28, 29, 30 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCumber (U.S. Patent Number 5749010) in view of Mattox (U.S. Patent Number 6652431), Knoerzer (U.S. Patent Number 966562) and Godshaw et al., (U.S. Patent Publication Number 2002 / 0145027 A1). McCumber discloses the central rib (24) (See Figure 1) to distribute the weight corresponding to the load (12) over the user (14, 26 & 28) (See Figure 1);

the stabilizing arm (22') coupled to the central rib (24) to stabilize the load (12) with respect to the user (14, 26 & 28);

the opposing arm (22) coupled to the supporting rib (24), wherein the stabilizing arm (22') and the opposing arm (22) further comprise specific contours comprising the dorsal segment and the anterior segment, and wherein the opposing arm (22) comprises the lateral extension (See Figure 1) that extends from the anterior segment (See Figures 1 & 2);

attachment means (74) coupled to at least one of the stabilizing arm (22') (See Column 3, lines 51 – 55) (See Figures 1 & 2) and the opposing arm (22) to facilitate

attaching (See Figure 5) the load (12) to the load bearing apparatus (10) (See Figures 1 – 3).

However, McCumber does not disclose attachment means coupled to at least one of the central rib.

Mattox teaches attachment means (24) (See Figure 3) to at least one of the central rib (16) (See Figure 3) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means to at least one of the central rib as taught by Mattox with the load bearing apparatus of McCumber in order to enhance multi-functional capabilities;

However, McCumber does not disclose the support strap assembly may be disposed between each of the load bearing apparatus and the load.

Knoerzer teaches the support strap assembly (20) (See Figure 2) may be disposed between each of the load bearing apparatus (10) and the load (See Page 1, Column 1, lines 55 – 56 & Page 1, Column 2, lines 1 – 2) for the purpose of providing a variety of length and flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the support strap assembly may be disposed between each of the load bearing apparatus and the load as taught by Sheppard with the load bearing apparatus of McCumber in order to enhance accommodate various size users.

However, McCumber does not disclose the support strap assembly comprises at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm.

Godshaw et al., teaches the support strap assembly (See Figures 5) comprises at least one dorsal strap (110) (See Figures 5 & 6) attached to the central rib (98) (See Figure 5) and at least one anterior strap (104) attached to at least one of the stabilizing arm (See Figure 5) and the opposing arm (96) (See Paragraphs 0028, 0029 & 0030) (See Figures 5 & 6) for the purpose of providing a balance support system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the support strap assembly comprises at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm as taught by Godshaw et al., with the load bearing apparatus of McCumber in order to enhance a balance support system.

Regarding claim 14, McCumber discloses the central rib (24) (See Figure 1) to distribute the weight corresponding to the load (12) over the user (14, 26 & 28) (See Figure 1);

the stabilizing arm (22') coupled to the central rib (24) to stabilize the load (12) with respect to the user (14, 26 & 28);

the opposing arm (22) coupled to the supporting rib (24), wherein the stabilizing arm (22') and the opposing arm (22) further comprise specific contours comprising the dorsal segment and the anterior segment, and wherein the opposing arm (22)

comprises the lateral extension (See Figure 1) that extends from the anterior segment (See Figures 1 & 2);

attachment means (74) coupled to at least one of the stabilizing arm (22') (See Column 3, lines 51 – 55) (See Figures 1 & 2) and the opposing arm (22) to facilitate attaching (See Figure 5) the load (12) to the load bearing apparatus (10) (See Figures 1 – 3).

However, McCumber does not disclose attachment means coupled to at least one of the central rib.

Mattox teaches attachment means (24) (See Figure 3) to at least one of the central rib (16) (See Figure 3) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means to at least one of the central rib as taught by Mattox with the load bearing apparatus of McCumber in order to enhance multi-functional capabilities;

However, McCumber does not disclose the support strap assembly may be disposed between each of the load bearing apparatus and the load.

Knoerzer teaches the support strap assembly (20) (See Figure 2) may be disposed between each of the load bearing apparatus (10) and the load (See Page 1, Column 1, lines 55 – 56 & Page 1, Column 2, lines 1 – 2) for the purpose of providing a variety of lengths and flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the support strap assembly may be disposed between

Art Unit: 3727

each of the load bearing apparatus and the load as taught by Sheppard with the load bearing apparatus of McCumber in order to enhance accommodate various size users.

However, McCumber does not disclose at least one anterior strap attached to the opposing arm and wherein the opposing arm has the length longer than the length corresponding to the stabilizing arm, such that the load may be distributed substantially diagonally over the surface area of the user.

Godshaw et al., teaches at least one anterior strap (104) attached to the opposing arm (96) and wherein the opposing arm (96) has the length longer than the length corresponding to the stabilizing arm (94), such that the load (60 & 80) may be distributed substantially diagonally over the surface area of the user (See Paragraphs 0028 & 0029).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one anterior strap attached to the opposing arm and wherein the opposing arm has the length longer than the length corresponding to the stabilizing arm, such that the load may be distributed substantially diagonally over the surface area of the user as taught by Godshaw et al., with the load bearing apparatus of McCumber in order to enhance a balance support system.

Regarding claim 16, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose the stabilizing arm and opposing arm are adjustably coupled to the central rib.

Sheppard teaches the opposing arm (See Figure 3) is adjustably (10 & 13) coupled to the central rib (7) (See Column 3, lines 12 – 24) (See Figures 1 – 3) for the purpose of accommodating various size users.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stabilizing arm adjustably coupled to the central rib, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 17, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose the central rib comprising the substantially planar surface that substantially conforms to the upper surface of the user's back.

Godshaw et al., teaches the central rib (98) comprising the substantially planar surface that substantially conforms to the upper surface of the user's back (See Figures 5& 6) for the purpose of providing ergonomic comfort.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the central rib comprise the substantially planar surface that substantially conforms to the upper surface of the user's back as taught by Godshaw with the load bearing apparatus of McCumber in order to enhance ergonomic comfort.

Regarding claim 18, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose the stabilizing arm and the opposing arm

comprising the substantially planar surface that substantially conforms to at least one of the user's shoulders.

Godshaw et al., teaches the stabilizing arm (94) and the opposing arm (96) comprising the substantially planar surface (See Figures 5 & 6) that substantially conforms to at least one of the user's shoulders (See Figures 5 & 6) for the purpose of providing ergonomic comfort.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the stabilizing arm and the opposing arm comprises the substantially planar surface that substantially conforms to at least one of the user's shoulders as taught by Godshaw with the load bearing apparatus of McCumber in order to enhance ergonomic comfort.

Regarding claim 26, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose the shoulder frame assembly further comprising the substantially planar surface substantially conforming to the user's shoulder and back.

Godshaw et al., teaches the shoulder frame (See Figures 5 & 6) comprising the substantially planar surface (See Figures 5 & 6) substantially conforming to the users' shoulder and back (See Figures 5 & 6) for the purpose of providing ergonomic comfort.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the shoulder frame assembly further comprising the substantially planar surface substantially conforming to the user's shoulder and back as

taught by Godshaw with the load bearing apparatus of McCumber in order to enhance ergonomic comfort.

Regarding claim 28, McCumber discloses the invention substantially as claimed. McCumber discloses attachment means (74) coupled to at least the stabilizing arm (22') and the opposing arm (22) (See Figure 5) to facilitate attaching the load (12) to the shoulder frame assembly (10) (See Figures 1, 2, 3, 5 & 6).

However, McCumber does not disclose attachment means coupled to at least one of the central rib.

Godshaw et al., teaches attachment means coupled to at least one of the central rib (98) (See Figures 5 & 6) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means coupled to at least one of the central rib as taught by Godshaw et al., with the system of McCumber in order to enhance multi-functional capabilities.

Regarding claim 29, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose the attachment means comprises the support strap assembly.

Godshaw et al., teaches the attachment means comprises the support strap assembly (110) (See Paragraphs 0029 & 0030) (See Figures 5 & 6) for the purpose of providing adjustment flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means comprise of the support strap assembly as taught by Godshaw et al., with the system of McCumber in order to enhance adjustability and flexibility.

Regarding claim 30, McCumber discloses the invention substantially as claimed. However, McCumber does not disclose the support strap assembly comprising at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm.

Godshaw et al., teaches the support strap assembly (110) (See Figures 5 & 6) comprises at least one dorsal strap (110) attached to the central rib (98) and at least one anterior strap (104) attached to at least one of the stabilizing arm (94) and the opposing arm (96) (See Figures 5 & 6) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the support strap assembly comprising at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm as taught by Godshaw et al., with the system of McCumber in order to enhance multi-functional capabilities.

Regarding claim 31, McCumber further discloses the load (12) capable of being supported by the user (14, 26 & 28); and the unitary shoulder frame assembly (See

Figures 1, 2, 3 & 6) coupled to the load (12) (See Figure 2), the shoulder frame shoulder frame comprising: the central rib (24) (See Figure 1) to distribute the weight corresponding to the load (12) over the back of the user (14, 26 & 28) (See Figure 1); the stabilizing arm (22') coupled to the central rib (24) to stabilize the load (12) with respect to the user (14, 26 & 28); and the opposing arm (22) coupled to the supporting rib (24), wherein the stabilizing arm (22') and the opposing arm (22) further comprise specific contours comprising the dorsal segment and the anterior segment, and wherein the opposing arm (22) comprises the lateral extension (See Figure 1) that extends from the anterior segment (See Figures 1 & 2); and

Wherein the discloses attachment means (74) coupled to at least the stabilizing arm (22') and the opposing arm (22) (See Figure 5) to facilitate attaching the load (12) to the shoulder frame assembly (10) (See Figures 1, 2, 3, 5 & 6).

However, McCumber does not disclose attachment means coupled to at least one of the central rib.

Godshaw et al., teaches attachment means coupled to at least one of the central rib (98) (See Figures 5 & 6) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means coupled to at least one of the central rib as taught by Godshaw et al., with the system of McCumber in order to enhance multi-functional capabilities.

However, McCumber does not disclose the attachment means comprises the support strap assembly.

Godshaw et al., teaches the attachment means comprises the support strap assembly (110) (See Paragraphs 0029 & 0030) (See Figures 5 & 6) for the purpose of providing adjustment flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the attachment means comprise of the support strap assembly as taught by Godshaw et al., with the system of McCumber in order to enhance adjustability and flexibility.

However, McCumber does not disclose the support strap assembly comprising at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm.

Godshaw et al., teaches the support strap assembly (110) (See Figures 5 & 6) comprises at least one dorsal strap (110) attached to the central rib (98) and at least one anterior strap (104) attached to at least one of the stabilizing arm (94) and the opposing arm (96) (See Figures 5 & 6) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the support strap assembly comprising at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm as taught by Godshaw et al., with the system of McCumber in order to enhance multi-functional capabilities.

However, McCumber does not disclose at least one anterior strap attached to the opposing arm and wherein the opposing arm has the length longer than the length

Art Unit: 3727

corresponding to the stabilizing arm, such that the load may be distributed substantially diagonally over the surface area of the user.

Godshaw et al., teaches at least one anterior strap (104) attached to the opposing arm (96) and wherein the opposing arm (96) has the length longer than the length corresponding to the stabilizing arm (94), such that the load (60 & 80) may be distributed substantially diagonally over the surface area of the user (See Paragraphs 0028 & 0029).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one anterior strap attached to the opposing arm and wherein the opposing arm has the length longer than the length corresponding to the stabilizing arm, such that the load may be distributed substantially diagonally over the surface area of the user as taught by Godshaw et al., with the load bearing apparatus of McCumber in order to enhance a balance support system.

Conclusion

13. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the

Art Unit: 3727

claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 15, 2006


JES F. PASCUA
PRIMARY EXAMINER